

*\*Included below is the final investigative report completed by Arthur Anderson on August 1, 2019. Read on to view my point by point rebuttal of the information in the District's released report. The decision to draw attention to and release this report only serves to perpetuate and fuel the related controversy. Before the final investigative report, I provide the major factual errors, omissions, oversights and missteps in the District's investigation of the racial complaint against me posed by a parent. Attached, after the District's conclusion, are interviews of additional students who came forward and shared their perceptions about the events in question.*

*Jan Zehren*

As a teacher of 37 years with Shorewood School District, with a record of no previous administrative questions about my honesty, integrity, and impartiality with students; as a teacher who worked tirelessly for marginalized students; as a teacher who embraced the districts' move toward equity, greater understanding, through the implementation of its RaceWorks professional development, one would think that I might deserve the presumption of innocence when an allegation of racism is brought up against me. This did not happen. Rather, there was a rush to judgement made by Mr. Bryan Davis, Superintendent of Shorewood School District. To the related questions raised by former and current teachers at a recent school board meeting, the singular refrain given by Mr. Davis and School Board President, Paru Shah was "Read the Report." To the curious and fair minded, my response is to please Read the Rebuttal.

Shorewood teachers have been directed by the Administration to close the achievement gap with African American students, create curriculum that reflects African American students, and build a sense of belonging for African American students in their classrooms. The Administration's approach to the issues raised, failed to acknowledge its own shortcomings with respect to the lack of guidance, direction, preparation, leadership, and oversight with the teachers. Also, when parents or students raised questions or accusations connected to RaceWorks, the process pursued was not a collaborative problem-solving effort with the Administration and staff, but rather it was extremely adversarial, and done in a manner that made matters across the District more polarized. Their approach fostered misunderstanding rather than building understanding for students, staff, and parents, an understanding that could have helped us to all move closer together in pursuit of what we share in common.

Below lists the major factual errors, omissions, oversights and missteps in the District's investigation of the racial complaint against me posed by a parent. The investigation was led by Mr. Arthur Anderson, Interim Director of Special Education and Pupil Services and Mr. Bryan Davis, Superintendent.

1. The employer produced two reports, the first on April, 12, 2019, and the second one on August 1, 2019, which the District will release to employees and the public. The second report was provided to me on August 2, 2019, after I settled with the District on July 23, 2019 for compensation related to the damage done to my personal reputation and that of my family. The second report

seems to be written to intentionally make me look guilty of the complaint by repeatedly omitting or changing information contained in the first report, without any explanation. At the April 12th meeting, with the Administration, I asked for edits to be made to the first report as there were many inaccuracies and omissions. Mr. Anderson made the changes on his document and indicated that I would receive an updated report. Even after several requests from WEAC Executive Director, Steve Cupery, I did not receive the updated report from Mr. Anderson. I was not given an option to see the second report until after it was completed on August 1st. No where in the report does it indicate the many points and concerns that I brought up to and about the Administration. The report is largely one-sided, favoring a viewpoint taken from the onset by the Administration.

2. The majority of the investigation took place prior to my knowledge that there was even a parent complaint made against me. Students had already been selectively interviewed. When I walked into the first meeting on Monday, April 8th at 7:30 a.m., I was given no other information in regard to the meeting, except by email, that it was for "a parent concern" and it was about the "World Games and Dance Unit." I felt incredibly blindsided as no Administrator spoke to me prior to the meeting about a parent complaint and nor was I contacted by any parent(s) with any concern about the World Games and Dance Unit, which started with students on Monday, April 1st. The District immediately escalated the situation by having their attorney, Chrissy Hamiel, present at this very first meeting with

me along with administrators Bryan Davis and Arthur Anderson.

3. Two Shorewood Intermediate School (SIS) teachers, [REDACTED]

[REDACTED], interviewed the students. They simply had conversations with the students. There was no consistent set of specific questions asked of each student and [REDACTED] received no Administrative oversight when interviewing the students. This was admitted by Mr. Anderson, the lead investigator, during our meeting of April 12th. It has now been discovered that there were students interviewed by [REDACTED] and their interviews, which corroborated with what I shared with Mr. Anderson and Mr. Davis, were not selected to be included in the investigative report. Those student accounts are now attached, along with student accounts from other classes.

4. The only parent who was asked permission by the Administration to have their child interviewed was the complainant's. The complainant's child was interviewed with the parent present. At least [REDACTED] other students were interviewed without parental permission or knowledge of the fact their child was selected to be interviewed. These parents were not afforded the same opportunity as the complainant's, to be present while their child was being interviewed.

5. I was never "escorted" out of the building by SIS Principal, Mike Joynt, as a photo that went viral indicates. I was asked to provide the District with papers from the "World Games and Dance" unit. I arrived

at SIS at approximately 5:00 pm on Tuesday, April 10th, along with a Shorewood Education Association Executive Board Member. As I was leaving the building, a student snapped the picture of me (as is evidenced on school video footage), it was edited to make it appear that Mr. Joynt was physically escorting me out of the building, and then posted on FaceBook that evening. The student who posted the picture [REDACTED] [REDACTED] received no consequence for [REDACTED] actions and the student who took the picture [REDACTED] [REDACTED], but again received no behavioral consequence for their actions.

6. The Paraprofessional Aide present in the classroom for [REDACTED] was never interviewed by the District prior to being placed on a second extended paid administrative leave, at the meeting held on April 12th. Wisconsin Education Association Council Executive Director, Mr. Steve Cupery, interviewed the Aide on April 9th and found that her recollection of what took place in class corroborated with what I shared with the Administration. The Aide was finally interviewed by the District on April 15th and when she asked what she should do with the information, Mr. Anderson replied, "Keep it close to your heart."
7. Investigators failed to review the video footage from the cameras in the gym prior to me being placed on a second extended paid administrative leave, at the meeting on April 12th. This was admitted by Mr. Davis, during the meeting on April 12th. Clearly, these videos would have substantiated what I said took place between April 1st and April 4th in my Physical Education classes. Specifically, the videos would show that

students were not grouped by race; one could see students moving to form their own self-selected groups. The videos would show the one student claiming to the news media that they were forced by me to "reenact slaverment (slavery) in front of the class," eagerly and willingly volunteering to go first, with their partner, to teach their game. The videos would show me working with the complainant's [REDACTED] and their partner, during [REDACTED], teaching them how to do the two-step. This was a dance the complainant shared with [REDACTED] child for the "Family Interview" worksheet that was a part of the complainant's cultural background.

8. Investigators never watched the video footage I supplied them from my phone prior to being placed on a second extended paid administrative leave on April 12th. This was admitted by Mr. Davis, during the meeting. (This video footage was collected to assist me in grading student groups and to attach as artifacts for my SLO/PPG work for teacher evaluation.)
9. One of the students interviewed by the news media did not share the same story with the news that they did with the two SIS staff members charged with interviewing the students. The stories were conflicting. Student H indicated on camera that s/he and their partner were forced to reenact slaverment (slavery) in front of the class. In no student interviews done by [REDACTED] or any of the additional interviews included in this document substantiate that claim by Student H.
10. I was placed on paid Administrative leave on Monday, April 8th through Wednesday, April 10th. Mr. Davis

confiscated my keys, badge, computer and banned me from school property, speaking to students, and staff. On April 12th, I was placed on a second administrative leave. I remained on paid administrative leave until June 12th, the last working day for teachers.

11. The meeting of April 12, 2019 that took place at Shorewood School District's Attorney's office, von Briesen & Roper, is never mentioned in the District's investigation, signed by Mr. Anderson on August 1, 2019. That meeting lasted four and a half hours and Mr. Cupery, Mrs. Miller, and I asked questions, shared additional critical information, and provided the Business and Human Resources Manager, Patrick Miller, the video footage from my phone as evidence. However, there is no record of this meeting ever taking place in the final report. To this veteran of 37 years the meeting felt more like an expensive inquisition than an effort to understand what happened so that we could all grow from the experience.

I gave my heart and soul to Shorewood Intermediate School, the District, and this Village for 37 years. I was more than a teacher. During this last year, I was the Faculty Advisor for Student Council and Best Buddies, coached 8th grade Boys Volleyball, co-chaired the Sunshine Club for staff, and worked countless hours for the Athletic Department. I was a member of the Executive Board of Directors for REDgen, on the planning committee for Shorewood's Memorial Day event, and a member of the American Legion Women's Auxiliary Post #441.

During my tenure, I earned a number of teaching awards/accolades including the prestigious Senator Herb Kohl Teaching Fellow, Walmart Teacher of the Year, Veterans of Foreign Wars Teacher of the Year for the State of Wisconsin, and recognized as a Lifetime Member of the Shorewood Athletic Booster Club. I earned community awards/accolades as well including the Spirit of Shorewood, 4th of July Parade Grand Marshal, and Honorary Guardian for Stars and Stripes Honor Flight.

My name, character, and reputation have been significantly harmed by the way in which the Shorewood School District Administration and Board chose to handle this situation. The allegations of me being a racist teacher has been shared 170,000 times across the country by news media outlets and has been attached to a White Supremacy group. Rather than approaching this in a collaborative fashion, the district was hyper-adversarial, and this approach only served to drive students and staff further apart, into camps, fueling mistrust rather bringing people together and encouraging greater understanding. I am someone who embraces diversity, believes strongly that all are entitled to equal rights, yet, in a blink of an eye, in a rush to judgement, without due process, my life has been changed forever.

Arthur Anderson, Ph.D.  
Interim Director of Special Education & Pupil Services  
1701 E Capitol Dr  
Shorewood, WI 53211  
Office: (414) 963-6906  
Fax: (414) 963-6946  
aanderson@shorewood.k12.wi.us

On April 3, 2019, a discrimination complaint based on race was filed via email by a parent (hereafter known as the parent who filed the complaint) of a [REDACTED] student (hereafter known as Student 1) against Jan Zehren, Physical Education (PE) teacher at Shorewood Intermediate School (SIS). A description of the complaint is provided below.

*The parent complaint was originally made on April 1st. This gave students the opportunity to corroborate as to what took place in class as students were interviewed anywhere from three to nine days after the complaint. According to one parent, her student reported that he/she was receiving text messages in order to "get their story straight." There were students who had a different story than the ones told in this investigation also. Those student interviews are attached. It also needs to be noted that one of the students was interviewed by [REDACTED] [REDACTED] and, yet, [REDACTED] statement, which was different than the others, was not included as part of the final investigation document.*

#### Description of the Alleged Incidents

To gather more information about the complaint, [REDACTED] [REDACTED], met with the parent who filed the complaint on April 4, 2019. The parent was not in the classroom but was reporting what was told to [REDACTED] by Student 1.

[REDACTED] are not Administrators. They are staff members who were part of our bargaining unit.

I spoke with [REDACTED] on Thursday, March 21st about how I felt that she did not like or respect me. I gave her specific examples of a meeting that we were in (September 2018) and for two hours that she would not make eye contact with me; she purposely looked past me. There were only five of us in the meeting. I resigned from the committee immediately after her treatment. I also expressed this concern to our Building Principal, Michael Joynt, during the 2017-18 school year, but saw no change in [REDACTED] treatment of me. She would not say hello to me in the hallway. I had three restorative circles with her with different students and [REDACTED] turned the situations around on me, while failing to hold the students accountable for their behavior. We met, in part on March 21st, because she refused to give a Stars and Stripes Honor Flight assembly more than 5 minutes, even though staff requested for more time.

Also, [REDACTED] was caught in lies about the Shorewood Intermediate School REDgen student group via text messages that she had sent me. A meeting was held in September 2017 in the School Counselor's office with [REDACTED], SIS Principal Mr. Joynt, Director of Special Education and Pupil Services, Mr. Jeff Cyganiak, Shorewood Education Association President, Mrs. Amy Miller and my myself. [REDACTED] did admit that she was dishonest to me. However, Mr. Joynt clearly supported [REDACTED] over me, trying to turn the situation around on me as if it was my fault.

With having [REDACTED] as the key interviewers in so much of this report, this raises concern for their leading the investigation. Clearly, I had a history with both of them and their involvement was a definite conflict of interest which they should have excused themselves from.

I was not made aware of any complaint until Friday, April 5th. An email was sent to me at 3:45 p.m. from Director of Business, Mr. Patrick Miller, (Superintendent Mr. Bryan Davis and Mrs. Miller was included in the email) indicating that I should plan for a meeting with him and Mr. Davis at 7:30 a.m. on

Monday, April 8th and that I was welcome to bring any representatives of my choice.

Mrs. Miller emailed Mr. Miller and Mr. Davis and asked for clarification about the meeting. The only response was that "it was a parent complaint." I called my Principal, Mr. Joynt, and he did not answer. I left a message asking him to call me as I was wondering if he knew anything about the meeting I was scheduled to have on Monday. In the meantime, Mrs. Miller emailed Mr. Davis and Mr. Miller again requesting specifics as I had no idea what the parent complaint was about. No administrator had talked to me during the week and I had received no complaint from any parent. I felt blindsided. We received no response back. I texted Mr. Joynt asking if he would please call me. I received a text back that "Everything has to go through Patrick and Bryan. I can't get in the middle." I asked, "But what is it about? Can you at least tell me who it is about? This is crazy." Mr. Joynt's response, "I can't." I did not hear anything back from Mr. Miller or Mr. Davis until late Sunday evening from Mr. Davis via email that simply said, "It is about the World Games and Dance unit."

According to the parent who filed the complaint, on April 1, 2019, during [REDACTED] PE class, Ms. Zehren informed students "in the next 10 days you will work on games or dances from your culture." It is further reported by the parent who filed the complaint that Ms. Zehren, while looking at Student 1 and another [REDACTED] student in the class (Student A), stated, in front of the class, "you might want to look up traditional African dances or games" and "or you can look up games that slave children or I mean enslaved children played." *I spoke to the entire class about how they needed to "dig deeper" in their searches on the computer. I suggested that students Google terms like: traditional, children's games, and the country, region, or continent. I did not say to look up games that slave children or enslaved children played.* Ms. Zehren then told the students "to be with their own culture in a small group to work." *This is not true as is evidenced by the gym videos and teacher videos. Students could choose their own groups, but needed to come to an agreement as to whose culture would be represented in*

**the group.** Student 1 and Student A were confused by the directions given by Ms. Zehren. Ms. Zehren was reported to have then approached Student 1 and Student A and informed them that she could provide websites to assist them with their research. According to the parent who filed the complaint, Student 1 and Ms. Zehren had no further interactions during the class. *This is a new statement that has been added after the initial report was reviewed with me on April 12, 2019. Video evidence from the gym shows otherwise.* Student 1 came home after school and was described by the parent who filed the complaint as "very upset and embarrassed by the situation because comments were made in front of [REDACTED] classmates. *Students were directed to dig deeper in their computer searches. Use terms like "traditional", "children's games" and the "region, continent, or country." At no point did the complainant's [REDACTED] or any other student appear to be embarrassed or upset. Nor was anything ever reported to me.*

During a meeting with the investigator **Mr. Anderson** and [REDACTED] on May 10, 2019, the parent who filed the complaint reported that Student 1 did not use the search terms recommended by Ms. Zehren at school. [REDACTED] did report, however, that [REDACTED] upon coming home on April 1, 2019, then searched the web using the terms "slave games." When Student 1 referenced "slave games," the parent who filed the complaint came over to the computer and noticed that Student 1 had viewed the website "Ten Toys and Games Enslaved Black Children Played with Growing Up" (hereafter known as the Ten Toys and Games website). After the parent who filed the complaint saw the first game on the website, called "Hide the Switch," [REDACTED] did not allow Student 1 to view any other pages on the website. *Student 1 came bouncing into class the next day and asked if [REDACTED] partner could play the game "Hide the Switch" and I said, "Absolutely not."*

#### Interview with Student 1

Student 1 was interviewed on April 10, 2019 by [REDACTED] and Dr. Anderson, Interim Director of Special Education and Pupil Services, to gather additional information about the incident that occurred on April 1, 2019. Student 1's parent was also present during the interview.

*This statement is a direct contradiction as to what was said at the April 12th meeting. Mr. Anderson indicated that all students were interviewed by [REDACTED] [REDACTED]. Mr. Anderson admitted that no specific set of questions were used to interview the students and that there was no Administrative oversight with the interviews. It was simply these two staff members having conversations with the students.*

*The complainant's [REDACTED] was the last student interviewed because according to Mr. Anderson during our meeting of April 12th, "they had an issue with getting parental permission." Student 1 was interviewed nine days after [REDACTED] mother made the complaint. Also, it is new information that the parent was also present during the interview. This was not indicated in the original report. In addition, Mr. Anderson indicated that they did not seek parental permission for any other student that was interviewed. Student 1 stated that the students were asked to get into a group so Ms. Zehren could explain the purpose of the World Games/Dance Unit they were going to study. Student 1 stated that Ms. Zehren encouraged students to work with others who shared a similar culture. Students could choose their own groups as evidenced by gym videos and teacher videos. Ms. Zehren then stated, to the entire class, that "another [REDACTED] class group" was researching "enslaved games" or "games slaves played during their free time." I spoke to the entire class that they need to "dig deeper" in their research on the computer. I suggested that they use terms such as "traditional," "children's games," and the country, region, or continent. Student 1 could not recall Ms. Zehren providing examples of other cultures that students could form groups around. Student 1 often had to be redirected as [REDACTED] would be socializing during instructions. This was noted in Infinite Campus on several occasions as well. Student 1 remembered Ms. Zehren telling [REDACTED] and [REDACTED] group partner, Student A, that she would help them find websites for the project. She then told them to search websites using the terms "traditional*

African-American games." *This is true. This search led to the "Ten Toys and Games Enslaved Children Played."* or "slave games." At no point did I say to search "slave games." Student 1 reported that [REDACTED] did not type in these terms or view what websites were listed. Instead, Student 1 decided to do a dance for the unit. Student 1 and Student A then identified the "2 step" dance. Student 1 stated that Ms. Zehren's comments in front of the class made [REDACTED] feel embarrassed and upset. *This is an untrue statement that Student 1 and Student A "decided" to do a dance. It can be seen on the video footage that I encouraged them to do the "Two Step."* You can see me teaching the students how to do the dance. I specifically looked at Student 1's "Family Interview" sheet and saw several dances listed. The print out of my history on my computer from April 1st shows searches for African Dance at 2:58, 2:59, 3:00, 3:01, and 3:04. Specifically, the Two Step is searched from 3:06 to 3:11 p.m.

At no point did Student 1 say anything to me about being embarrassed or upset. Student 1 is a student who is not afraid to speak [REDACTED] mind. It was reported to me [REDACTED] confronted a substitute teacher during my absence, asking if "what [REDACTED] said to [REDACTED] was because [REDACTED] was black."

#### Summary of the Interviews Conducted with [REDACTED] Students in [REDACTED] PE Class

Student A was interviewed on April 4, 2019 by [REDACTED]. Student A reported that the class was provided with resources to conduct research on a dance or game and, [REDACTED] recalled that there was mention of being in a group with students of similar skin color as a partner.

*This statement is absolutely untrue. Students could choose their own groups as evidenced by the videos from the gym and the ones I supplied to the district from my cell phone.* Student A also recalled Ms. Zehren mentioning that students could also be in a group with a similar history such as Africans or Germans. *This is an untrue statement; students were allowed to choose their own*

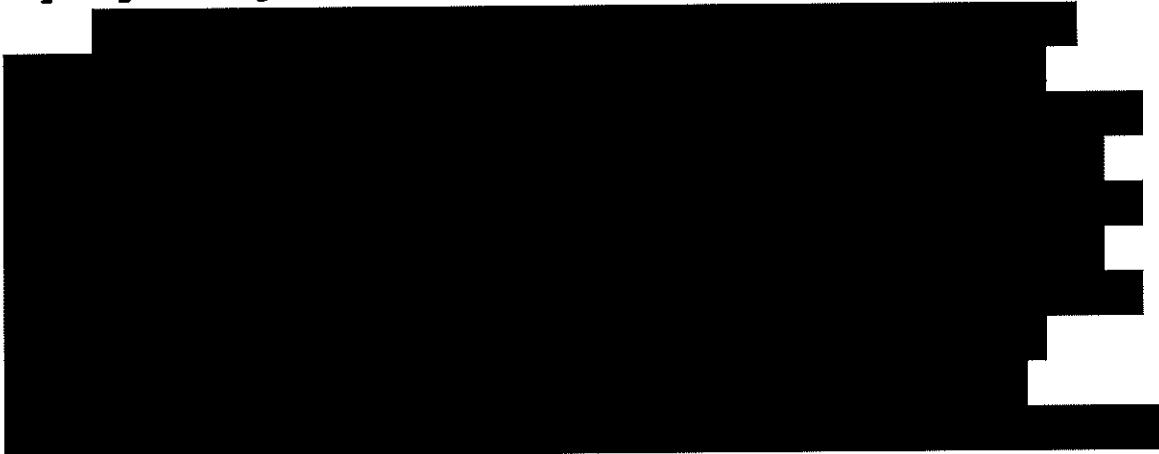
groups. Student A is another student who was often socializing and distracted during class instructions. These comments are evidenced in Infinite Campus. Student A chose to work in a group that would look at African culture. While working with Student 1, Student A reported that Ms. Zehren approached them and stated that she could help them find websites for the project. According to Student A, Ms. Zehren told them that they could use "slave games" as search terms. While Student A did not use the search terms "slave games," on April 1, 2019, Student A did execute searches using the following words: "the boogie man in slave children games" and "the boogeyman in slave children games."

The district has not provided evidence of these searches from district computers. In the absence of this, such claims are assertions. I did not suggest nor observe the student using these search terms. This contradicts statements made in the original report. In the first report, it says that "student went on to describe looking at a web article on games played by enslaved black children." In this report it says that Student A "did not use the search terms "slave games." Student A independently used terms [redacted] saw at the website such as boogie man or boogeyman to conduct [redacted] searches.

A review of Ms. Zehren's search history shows a web search conducted by Ms. Zehren earlier in the day on April 1, in which she accessed all five of the pages associated with the Ten Toys and Games website. Key information has been left out of this report. My search history, provided to me on June 12, 2019, indicated that I got to that site after I first searched "Traditional African American Children's Games," "Best African Games for Children to Play," and "African American Children's Games." The "Ten Toys and Games" website was after those searches. The word "bogeyman" appears in one of the games listed on the website. Student A's searches did result in the accessing of the Ten Toys and Games website. The Ten Toys and Games article was published in the Atlanta Black Star on July 29, 2015. When the website is accessed, the first game that is described is called "Hide the Switch." This contradicts a statement in the previous paragraph... "Student A did not use the search

terms "slave games..." Student A recalled being told by Ms. Zehren that "you can build that" (referring to the switch) *Absolutely untrue. I did not make that statement. I did not discuss "Hide the Switch" game with Student A. His/her partner (Student 1) asked if they could play the game at which point I said, "Absolutely not.* or "you can find something else if you don't want to do that." Student A expressed an interest in doing a dance with Student 1 instead and proceeded to research African dances. *Again, as evidenced on my computer search and the video of the gym, I was the one who searched African dances (from Student 1's "Family Interview" sheet and I showed Student 1 and Student A the "Two Step."*

After seeing the picture of the switch on the Ten Games and Toys website, Student A reported that [REDACTED] felt weird, and [REDACTED] leg began to shake. Student A reported that [REDACTED] left the PE class a minute early because [REDACTED] didn't want other students to notice this. *It is the policy for all students in Physical Education to ask permission of the teacher before leaving class for any reason. Student A did not seek permission to leave. Student A, did not report to any adult, including the nurse whose office is located right next to the gym, that Student A left class because Student A was feeling "weird. The report speculates that the student was made uncomfortable as a consequence of looking at the picture of a switch. Yet, there is no video evidence of Student A leaving class early any day during the week.*



The "10 Toys and Games Enslaved Black Children Played with Growing Up" came from Atlanta Black Star. According to Atlanta Black Star, they are "a narrative company." Atlanta Black Star was "created to publish empowering narratives for all people of African descent and everyone who adheres to their culture." Atlanta Black Star "will not publish content that will disempower their people." They publish "narratives intentionally and specifically to enlighten and transform the world."

Student B was interviewed on April 4, 2019 by [REDACTED]. Student B reported that Ms. Zehren gave instructions about the World Games/Dance unit and picking a group. Ms. Zehren went on to say that students would learn about a culture and that they needed to find three facts about their game or dance. *This statement is not accurate. Students did not need to find three facts. This statement is contradicted by the copy of the packet that was turned over to Mr. Anderson and Mr. Davis on April 8<sup>th</sup> which was used to guide the lesson.* Student B also reported that when Ms. Zehren was giving instructions about how you would choose a dance or a game for the unit she said to the class "some games were played during slavery." *Not true. I spoke about how students needed to "dig deeper in their research." That they should use specific words like, "traditional," "children's games," and the "country, region or continent."* Student B went on to say that this comment received a reaction from some in the class, and Ms. Zehren then told the students to stay focused. Student B did not recall Ms. Zehren providing other cultural examples. Student B also reported that Ms. Zehren stated that some games were played during celebrations and festivals.

Student C was interviewed on April 5, 2019 by [REDACTED] [REDACTED]. Student C reported that everyone was sitting at their spots in the class and received the packet for the World Games/Dance unit, along with a rubric. *This is not accurate. I gathered students together by the small table. This is evidenced in the video. It was easier to talk to students*

*together rather than spaced out in their attendance spots as I was sick with bronchitis.* Ms. Zehren went on to explain what the computers were to be used for. Student C reported that, in front of the class, Ms. Zehren stated, as an example, that another group of students had found a game African-American children had played when they were enslaved. *In the original report it states that "Ms. Zehren, in front of the class, used, as an example, the significance of games African-Americans played when they were enslaved."* That statement is no longer in this report. Student C reported that no other examples were given by Ms. Zehren. *This statement is not in the original report either.* Student C also stated that Ms. Zehren told students to pick students that have a similar background to you, but, if you didn't, it would still work, but it would be better if it were the same. *Inaccurate statement as evidenced by the video supplied to the district. Students could pick whomever they wanted to work with.*

Student D was interviewed on April 5, 2019 by [REDACTED]. Student D remembered Ms. Zehren telling the class that it would be easier if those in groups were closer to the same culture or race, but it was not required. *Again evidenced by video, this statement is inaccurate.* While Student D could not remember the exact words that Ms. Zehren used, Student D remembered a comment about slavery being brought up in front of the class. Student D was left wondering how the [REDACTED] students were feeling about the project after the example Ms. Zehren gave, and how Student D, personally, would have felt disrespected. Student D wasn't sure as to why the topic of slavery was brought up. *So much depends upon how a student was asked questions. Neither [REDACTED] [REDACTED] are trained investigators/interviewers. There were no set specific questions asked of the students and no Administrative oversight with these staff. Many of the statements made by students seem to be in response to leading questions. Also, is it disrespectful to mention a time period in history...the Holocaust, slavery? During RaceWorks, we were NEVER told to stay away from specific topics.*

Student E was interviewed on April 5, 2019 by [REDACTED]. Student E recalled that Ms. Zehren told the class that students should pick their group based on their cultural background. Your cultural background was to be based on the interview that students did with their grandparents/parents prior to the spring break. *Untrue, students were given the choice as to who they worked with. This is evidenced by the gym video footage.* Student E then remembered that Ms. Zehren gave an example to the class and said "a group did a dance that slaves did or a game when they were enslaved."

Student F was interviewed on April 5, 2019 by [REDACTED]. Student F reported that students did not have to change clothes and that students were provided with computers and an explanation about cultural games they would play. Student F remembered being told that students were to pick a game from a different culture or background. *Inaccurate statement. Students were to select a game or dance from their own culture/heritage with the objective of sharing these experiences with others. If a student was with a person from another culture/heritage, then students needed to come to a consensus as to whose culture/heritage would be represented as was indicated in my instructions to all classes.* Students could work by themselves or with two to three other people. The game did not have to be age appropriate. *This was not said either. I did give students the option of playing an active game or a board type game (such as Mancala). In the original "investigation" of Student F it indicates, "the student did not recall any details similar to those described above." Yet, that statement is now removed.*

Student G was interviewed on April 5, 2019 by [REDACTED]. Student G reported that they were told to work on an assignment where they were to find a game or a dance based on their culture. Students had to have their game/dance approved by Ms. Zehren. Student F did remember that Ms. Zehren said something about "slave games" but couldn't remember additional details. *This was changed from the original investigation to sound more damning. Original statement was, "The student recalled Ms. Zehren mentioning something about games played by slaves..."*

Student K was interviewed on April 8, 2019 by [REDACTED]. Student K reported that there were no warm-ups for the class. Student K listened to Ms. Zehren about the information sheet she gave students to fill-out prior to break. *I did not go over the "Family Interview" sheet with students. I passed out their rubric and packet. These items were given to Mr. Davis and Mr. Anderson during my "interview" on April 8th.* Ms. Zehren told the students that they could use a computer to research their game and were told to break into groups. *Yes, groups of their choosing.* Student K remembered Ms. Zehren telling the class "some person in another class chose a game that African American kids used to play when they were enslaved." Student K did not recall other cultural examples being provided by Ms. Zehren. *K's statement is different than first interview.*

Student L was interviewed on April 8, 2019 by [REDACTED]. Student L recalled that students began working on the new unit on April 1, 2019. Before break they were asked to speak to their parents about their culture or race. Ms. Zehren told them about picking a dance or game from their cultural background from places such as Africa or Latin America. Students were given a packet and told to look at books and online for information. You could work by yourself or with others. Student L stated that the purpose of the unit was to learn about different cultural backgrounds and the games and dances associated with the culture. *\*Most accurate description made by any students in the investigation.*

Student M was interviewed on April 8, 2019 by [REDACTED]. Student M remembered going over the information sheet they were given prior to spring break. *I handed out the rubric and game packet and went over those...not the "Family Interview" sheet.* On April 1, 2019, they were told to get into a group and pick a game. Ms. Zehren told them to pick a group, which they could choose, and to look at a game the members of the group would have in common. *This statement is true only if students chose to be in groups with others of the same cultural background.* Student M recalled Ms. Zehren telling the class that they could not pick an American game, but Ms. Zehren then went on to give an example of a game played by African-Americans. Student M could not remember the game that was mentioned but was confused by what Ms. Zehren had just said. Student M was sitting next to another student, and they looked at each other because of the reference to "no" American

games but "yes" to African-American games. *Not accurate as I did not use the term "American Game."* Some students wanted to play basketball and I said "no" to that game. The idea was to learn a game or dance that they didn't already know and they could not choose a game that we had as a unit in PE.

Student N was interviewed on April 8, 2019 by [REDACTED]. Student N talked about the information sheet that Ms. Zehren had given out prior to spring break. *I handed out the rubric and game packet and went over those...not the "Family Interview" sheet.* During the class, Ms. Zehren talked about how to form groups. She also told the students that they could work by themselves. There was a packet to fill-out and each group got a computer to look up games. The student also mentioned Ms. Zehren saying that students could not pick an American game but could pick a game from another country. *As mentioned in the previous paragraph, I did not use the term "American Game."* Some students wanted to play basketball and I said "no" to that game. The idea was to learn a game or dance that they didn't already know and they could not choose a game that we had as a unit in PE. Ms. Zehren then told the class "a student in a past class picked a game that people in slavery would play to pass time." *I spoke to the entire class that they need to "dig deeper" in their research on the computer. I suggested that they use terms such as "traditional," "children's games," and the country, region, or continent.*

Summary of the Interviews Conducted with  
[REDACTED] Students in the [REDACTED] PE class

There was an aide, [REDACTED], in this classroom. [REDACTED] was not interviewed by the District until after my paid Administrative leave was extended after the April 12th meeting. Mr. Steve Cupery, Wisconsin Education Association Council Executive Director, interviewed [REDACTED] on April 9<sup>th</sup>, 2019. [REDACTED] spoke with Mr. Joynt after Mr. Cupery spoke to [REDACTED] to let him know that [REDACTED] was interviewed. The

*District still did not interview [REDACTED] until two weeks after the parent complaint, on April 15, 2019.*

Student H was interviewed on April 5, 2019 by [REDACTED]. Student H reported that Ms. Zehren approached [REDACTED] group [REDACTED] just had a partner, not a group. and told them that they should do an African-American game and stated "why don't you look up games that African-Americans played when they were enslaved?" *This is not a true statement. I spoke with [REDACTED] and [REDACTED] partner (who was [REDACTED]) and told them they needed to decide whose culture/ethnic background they were going to represent.* She then told the group to search "games that enslaved children played." *Not a true statement. I spoke to them when they told me they were going to do an African American game and told them to search, "Traditional African American Children's Games."*

Student H, on April 1, 2019, then proceeded to use the search terms "african american games," "african american games history," "black people games," and "games people in africa." Student H then went on to use the search terms "african american games played by enslaved children." Student H viewed two pages on the Ten Toys and Games website. During the interview. Student H described the first game on the Ten Toys and Games website as "Hide the Switch."

Student H and Student I who was *their partner* also in the group, went to Ms. Zehren and told her that they didn't know if they should do this game or not? According to Student H, Ms. Zehren told them "I would be okay with it, but there is nowhere to hide it in the gym." *This is not true. They did not discuss the game "Hide the Switch" with me. The Aide in the classroom was sitting at the same table that I was at as well and [REDACTED] mentioned nothing in her interview about being asked about the game, "Hide the Switch." As I note in my rebuttal, consistent and specific questions were not asked of witnesses.* Student H then reported that Ms. Zehren told them to click, again, on the Ten Toys and Games website. Student H recalled Ms. Zehren remembering a game she thought was named "no bogeyman" and encouraged them to look into it. When Student H visited the Ten Toys and Games website a second time, and went to a second page on the website, both Student H and Student I found the game "No Bogeyman Tonight."

*What is said here by Student H is not at all what they said with the news media. They talked about how "Ms. Zehren forced them and their partner to reenact slaverment." As evidenced on the video footage from the gym, which I provided to the district, Student H can be seen enthusiastically volunteering for teaching their game first. Student H asked several teachers if they saw Student H on the news and CNN.*

*When I provided District Administrators with the video footage from my cell phone, at our meeting on April 12<sup>th</sup>, noting to them the importance of this material, Mr. Anderson was overheard by Mrs. Miller saying to the Superintendent, "Do we have to watch it?" The District at this meeting sought no more evidence, including these videos.*

The investigator went to the "Ten Toys and Games" website and found the following description of the "No Bogeyman Tonight" game:

While playing this game, the young enslaved Africans would designate one child as the Bogeyman." In their book, History of Early Childhood Education, V. Celia Lascarides and Blythe F Hinitz explain that during the game "one child pretended to be an evil spirit and attempted to catch the others." They explain that the fear of evil spirits was common among Black children.

*Again, according to Atlanta Black Star, they are "a narrative company." Atlanta Black Star was "created to publish empowering narratives for all people of African descent and everyone who adheres to their culture." Atlanta Black Star "will not publish content that will disempower their people." They publish "narratives intentionally and specifically to enlighten and transform the world."*

On April 2, 2019, Student I, during [REDACTED] PE class, used the following search terms: "no bogeyman tonight game," "no boogeyman tonight game," and "games that enslaved children played." Then Student I clicked on a website with the title "Ten Games and Toys that Black slave children used when growing up." The article was

published by an organization referred to as "The Black Velvet Lounge," The article contained the same information as found on the Ten Toys and Games website.

Student H and Student I thought the No Bogeyman Tonight game was similar to "tag," At some point. Student H recalled asking Ms. Zehren "do you think this [game] has to do with the slave masters touching the children?" Ms. Zehren replied, "No, it's what the kids did to pass the time." *This is absolutely not true. This was never asked of me. This is an embellishment. The interviewers never asked me about this statement and according to the Aide's report, they never asked [REDACTED] about this statement either.* Student N recalled Ms. Zehren telling [REDACTED] class that another group in a different class were playing a game that people in slavery would play to pass the time." *As I mentioned earlier, I spoke to Student N's entire class that they need to "dig deeper" in their research on the computer. I suggested that they use terms such as "traditional," "children's games," and the country, region, or continent.*

Student H's group proceeded to present the game to the class and drew a diagram of the game on a board. *Student H excitedly volunteered to go first to teach the game. Again, not a group; it was partners.* During the presentation. Student H told other students that they were not making fun of slavery by playing the game. Student H also remembered writing this on the back of the packet for the unit. *No, it was written in the packet as part of the "Additional Information Needed to Play the Game" section. They had written a disclaimer about the game...Slavery was a serious time in history. They were not being disrespectful or making fun of slavery. Children played this game as a way to pass the time.* The students then played the game for the rest of the class period. Student H recalled that Ms. Zehren recorded the presentation they did in front of the class. Ms. Zehren stated that the presentation "was the top 3 that she had seen" and "I like how you added that part in the end about not making fun about it." *I did not say that their presentation was "the top 3 that she (I) had seen." That is untrue as their presentation was only the fourth one of the day. I complimented Student H and I on their presentation and Student H's leadership. I mentioned*

*the disclaimer that was added as well that I felt that was very appropriate.*

Student H was interviewed, again, on April 8, 2019, with the student's parents present, by [REDACTED]. Student H recalled that Ms. Zehren had told students to find someone who was similar with regard to ethnicity. *Absolutely untrue as evidenced by the gym video footage and my video footage supplied to the district. Students were allowed to select their own partners/groups or work individually.* Student H recalled being asked by Ms. Zehren "what are you mixed with?" because Student H was struggling with finding a group. *Absolutely untrue statement.* When Student H replied that [REDACTED], Ms. Zehren recommended that she work with other students who were white. *Again, untrue statement. Video footage from the gym indicates that students selected their own groups.* Student H mentioned that Ms. Zehren did not state examples in front of the class, but she did tell Student H's group to search "African-American games that were played by enslaved children." Student H remembered Ms. Zehren recommending the Ten Toys and Games website. *Students were told they needed to dig deeper in order to find games. I gave the example of using the words, "traditional," "children's games," and country, region or continent. I said like, "Traditional Children's Games from Germany, Traditional Mexican Children's Games, Traditional African American Children's Games."*

The [REDACTED] of Student H was visibly upset during the interview on April 8, 2019 because [REDACTED] went in front of the class and described a game that was played during times of slavery. *At no point during our RaceWorks Professional Development were staff ever told that we should stay away from the period of time during slavery. We were never told that it was taboo to talk about it. At no point did Mr. Joynt, who received a copy of the entire unit, caution my teaching colleague and me about avoiding research of games played during slavery. At no point did Mr. Davis, who knew about this unit and had a child in one of my classes, caution my teaching colleague and me about avoiding specific types of games for African American students. It was an*

*expectation that we find ways to have African Americans reflected in our curriculum, that it was a part of our teacher evaluation and, yet, no Administrator provided any oversight or direction. [REDACTED] could not understand why such a decision would have been allowed by the teacher. [REDACTED] went on to say that it was irresponsible to have students researching and playing such games without providing them with a context as to why such games were played during slavery by the instructor.*

Student I was interviewed on April 5, 2019 by [REDACTED]. The student recalled looking up games from Africa but asked for assistance from Ms. Zehren. Ms. Zehren recommended a couple of games from the "Ten Toys and Games" website. One of the games [REDACTED] remembered being mentioned by Ms. Zehren was "No Bogeyman Tonight." Student I recalled that their group volunteered to present the game in front of the class and proceeded to tell everyone in the class the directions for the game.

*Student H eagerly volunteered to go first as is evidenced on the gym video footage. Student H was not forced to teach the game as was presented to the news media either. Student H drew a diagram of the game on a board, and they read information about the game from their packet. The game was then played by everyone for the rest of the class period. Student I also recalled Student H telling the class "I'm not doing this to make fun of slavery or anything, it's just a fun game." Student H had shared a disclaimer that slavery was a serious time in history. They were not being disrespectful or making fun of slavery. Children played this game as a way to pass the time.*

Student J was interviewed on April 5, 2019 by [REDACTED]. Student J reported that Student H and Student I drew the "No Bogeyman Tonight" game on the board to create a visual and then went on to explain the game. Student J also recalled Student H and Student I telling the class "the game we picked was Bogeyman; it's a game that African slaves played." Student J remembered Student H telling the class "don't think you are a slave or ridicule or make fun of slavery." *This statement includes changed and additional information from the original investigation document. In the original document, "Student J recalled the name of the game as 'Boogeyman', a game s/he described as having been played by African American children who were enslaved. The student recalled*

*Student H telling the class "don't think you are a slave or ridicule or make fun of slavery." Student H did not say to the class "don't think you are a slave." This is not reported in Student H's interview either.*

**Additional Information about Student Web Searches  
for the Dance/Games Unit**

Two other students, Student O and Student P, who were in [REDACTED] PE class, and one student, Student Q, who was in the [REDACTED] PE class, also accessed the Ten Toys and Games website. On April 1, 2019, there is no evidence that any of the three students actively searched for games that were played by children during slavery.

*Students O, P and Q were not a part of the original investigative report shared on April 12th. No evidence of search histories of students were ever provided/produced to my attorney, Nathaniel Cade, or me at the meeting on June 12th with the District's additional Attorney, James Korom, and Director of Curriculum and Instruction, Tim Joynt.*

On April 2, 2019, prior to accessing the Ten Toys and Games website, Student O spent time conducting searches using the terms "african american games and dances," "black people games and dances," "black people games," "black people school games," and "african american jump rope songs." At 9:21 am. Student O then searched "slavery games kids played." Student O then viewed the Ten Toys and Games website.

*Again their search led them to this site. Students talk throughout the day about PE class and what is going on. More often than not, as the day progresses students after 2nd hour know what they are doing in PE class for the day. This clearly shows that students talked to each other that they were making these searches. Also, using the district's criteria if this was an African American student and they selected rope jumping, this activity may have also have been considered inappropriate as well since it was an activity played by children who were enslaved.*

Student P started searching the terms "african american games," "african american cultural games," "boogeyman game," "african american games history," "no boogeyman tonight," "african american dances in Milwaukee," and "african american dances." On April 2, at 9:19 am. Student P viewed the Ten Toys and Games website. In fact Student P viewed four pages on the website. After viewing the four pages. Student P went back and resumed the search using "african american athletes" and "african american outside games." Student P went back to the Ten Toys and Games website at 9:30 am.

*None of these websites were blocked as forbidden sites by District technology filters.*

Student Q, who was in the [REDACTED], and prior to accessing the Ten Toys and Games website, used the following search terms "the boogie men," "the boogieman game," "the boogie man game," "the boogie man game played by slaves," and "traditional african american games." At 9:59 am, Student Q accessed the Ten Toys and Games website and viewed two pages. *This indicates no date as to when this search was completed. Also, neither my attorney or I received a printout of any of the student search histories. If the district is using my searches against me, but not allowing us to access the searches of my accusers, this is patently unfair. The district has chosen a hyper-adversarial process to address this matter. They have not allowed me, the accused, equal access to information that would help in my defense.*

Summary of the Interview Conducted  
With Jan Zehren, PE Teacher

Ms. Zehren was interviewed on April 8, 2019. *(At 7:30 a.m., Monday, after receiving a very vague email from Business and Human Resources Director, Mr. Patrick Miller at 3:45 p.m. on Friday, April 5th. I did not know about the email until Mrs. Miller texted me. Otherwise, there would have been a very good chance I would have never seen the email over the weekend. Mrs. Miller reached out to Mr. Miller and Mr. Davis*

requesting context for the purpose of the meeting, Mr. Miller replied, "We need to discuss a concern raised by a parent of SIS." I had not heard anything from the Administration during the week and nor did I receive any parent/guardian communication with a concern about the World Games and Dance unit that week. Mrs. Miller reached out again requesting context as to the concern and who it involves. We heard nothing back until late Sunday evening. Mr. Davis repeated what Mr. Miller had said, "We need to discuss a concern raised by a parent of SIS." He went on to say, "The concern is in relation to the World and Dance lesson." I called my Principal, Mr. Joynt, and he did not answer. I texted him requesting that he call me and he replied, "I can't. Everything needs to go through Patrick and Bryan." I asked if he could let me know what this was about and he replied, "I can't." Those in attendance included: Dr. Bryan Davis, Superintendent, Dr. Anderson Interim Special Education and Pupil Service Director, Chrissy Hamiel, Counsel for the District, Iris Bohan, Executive Assistant for Pupil Services and Curriculum and Instruction, Amy Miller, President of the Shorewood Education Association, and Steve Cupery, Executive Director, Southeast United Public Education Region 7, Wisconsin Education Association Council. At the beginning of the meeting, Dr. Anderson described his role in the process as the discrimination officer for the District. *An interview about a "parent concern" escalated immediately into a full blown investigation. It included legal counsel along with two administrators at the very first meeting, before ever talking to the teacher.* Dr. Anderson then reviewed the substance of the complaint as set forth in the information provided by the parent. This information is described above. Ms. Zehren had requested the name of the complainant, but, on advice from counsel, and given that an ongoing investigation was occurring, the name was withheld.

Dr. Anderson then asked Ms. Zehren to describe the events that are in question in the complaint that was filed by the parent. According to Ms. Zehren, teachers were directed by administration, at both the District and school level, to make connections with African-American students. *I also included, close the achievement*

*gap and include curriculum that reflects African American students. At some point during the interview, Ms. Zehren stated that the RaceWorks professional development encouraged teachers to be prepared to take risks and to be uncomfortable, at times, and that, unfortunately, there was no handbook on what this looks like for teachers. I specifically said that, "From my RaceWorks Professional Development, we were told that:*

- *there is not a handbook for this kind of work.*
- *Be prepared to experience discomfort.*
- *Be comfortable with being uncomfortable.*
- *Bring up issues of race---it should be acceptable.*
- *Avoiding talking about it (race) does not mean it does not exist.*
- *Need institutional buy-in in supporting ideas or you are just sticking your neck out and getting a bunch of abuse for it.*

*At the SIS Open House, which occurred early in the 2018-19 school year, Ms. Zehren along with her colleague, [REDACTED] talked to parents about the World Games/Dance Unit she they were was introducing in their her PE classes. During the interview, she mentioned that Dr. Davis had sent her a thank you note for her new initiative. I mentioned that the thank you note from Mr. Davis, expressed his excitement for this new unit and he was looking forward to hearing about it. Davis also thanked me for giving students a voice and choice. A very similar thank you note was sent to [REDACTED]. To begin the preparation for this new unit, Ms. Zehren went on to say that she No, [REDACTED] and I took a group of 32 student council members, of diverse ethnic backgrounds, to a holiday folk fair in November 16th of 2018. This is not an accurate recount of what I said, I indicated that it included many Student Council members, but most importantly, we made sure we had student representatives from each PE class and hour. The theme was "Celebrate Diversity." Students were asked to interview people at the fair. Students were given a packet, which was distributed at this meeting, to fill out as part of their experience. Their goal was to return from the fair with a game, sport, or dance*

from another culture. Their packets would be used as additional resources for students during our new PE unit, World Games and Dance. The district was also informed that ██████████ started his unit much earlier than I did. We changed our calendar because of ██████████ scheduled family leave for the birth of his second child.

Prior to spring break, students were asked to have a conversation with their parents or other relatives regarding games or dances associated with their cultural background(s) ethnicity and or ancestry. The educational objectives of the unit were to learn about different cultures learn many different games and dances from all around the world. and to have all students feel included. I also noted that our purpose was to be inclusive and comprehensive of all cultures. If students felt unrepresented in PE, they could have a voice in having their culture represented. One of our school goals for the year was for students to feel a sense of belonging and connectedness. At this point, Dr. Anderson asked Ms. Zehren if she felt that some of her students did not feel included in her PE classes. This is an untrue statement. Mr. Anderson never asked that question and it was not a part of the original investigative report. Ms. Zehren responded by saying that the process that was used to create the unit represented what good teaching was supposed to be. I did not answer that question because it wasn't asked. I did say that by attending the Folk Fair and meeting people from other cultures and learning about games/dances/sports, including the parents in the conversation, researching and learning a game/dance, and then teaching it was what best practice looks like. The students had the option of working in a group (two to three other people) or individually. They were also given the option to choose any culture they wanted to. Not true. I said that if working individually, they needed to do a game or dance from their cultural/ethnic background. If working with others, then they had to come to an agreement as to whose cultural/ethnic background they would research, if they were different. Students were expected to present their game or dance to the class.

According to Ms. Zehren, she and [REDACTED], [REDACTED], created a family interview sheet for students to take home. Ms. Zehren stated that she and [REDACTED] had Mike Joynt, Principal at SIS, look at the sheet. Mr. Joynt then recommended that both teachers talk with [REDACTED] by Mike Joynt [REDACTED] [REDACTED] The meeting with [REDACTED] took place, and a few changes to the sheet were made. *I informed them that Mr. Joynt was provided with the final copy of the "Family Interview" sheet.*

Ms. Zehren and [REDACTED] then created a packet that students would use and fill-out for the unit. According to Ms. Zehren, they wanted the unit to be inclusive of all cultures. Students were to be given three days to conduct research on cultural games or dances. For resources, there were multicultural **game** books and computers available to the students. Students were allowed to work with anyone, but they had to agree on which culture they were going to choose. Each group had to do their own separate game/dance. Students had the option to work in a group or individually. Their choice of game/dance had to be approved by Ms. Zehren. The group/individual was expected to do a diagram or video of the game/activity they chose. *They were informed at the investigatory interview that prior to students receiving any of this information, I provided Mr. Joynt with the copy of the rubric for the unit and the packet students were to use for their game or dance. Mr. Joynt issued no concerns whatsoever about the unit. He provided no oversight for the unit. Nor, did he stop into any of my classes to see how things were going with this brand new unit.*

*I also discussed the rubric and packet with all students who were gathered by the small table in the gym. I went over student expectations as well. Students needed to check in with me before proceeding ahead with filling out the game/dance packet. They needed my approval for their game/dance. (I did not want two groups doing the same activity.) We needed to talk about equipment. Did SIS PE have the equipment needed or was the student/partners/group*

*going to provide the equipment. We needed to determine if the game was safe.*

Some students were having a difficult time picking a game. She suggested that they look up traditional Irish or Polish games. For students interested in exploring African culture, she recommended searching "traditional African-American children games."

*I actually said that if students were having a problem finding a game or dance, they needed to be more specific in their search...using terms like "traditional", "children's games", and the country, region, or continent. I gave the examples of "Traditional Irish Children's Games, Traditional Polish Children's Games, and Traditional African American Children's Games.*

The investigator used these search terms and the outcome includes the Ten Toys and Games website as the second listing. *This website was not blocked by District Filtering Technology.*

Dr. Davis asked Ms. Zehren if she recommended the Atlanta Black Star website, which published the Ten Toys and Games article, to students? *This was not said out loud to the entire class. A couple of pairs of students were struggling and I sat down with them as they typed in "Traditional African American Games."* Ms. Zehren said she did recommend the website because the mission of the Atlanta Black Star was to publish empowering narratives for all people of African descent. *And everyone who adheres to African culture. I went on to say that Atlanta Black Star publishes narratives intentionally and specifically to enlighten and transform the word. They do not publish content that will disempower their people.*

Dr. Davis said that the first game that was listed on the Ten Toys and Games website was called "Hide the Switch." *I indicated that I was aware of that.* Ms. Zehren went on to say that, during the week of April 1, 2019, she had a double ear infection and a sinus infection and was also on medication for bronchitis. She wanted to stay home, but did not want to do so because the students were starting a brand new

unit and she didn't believe that a sub should introduce the unit because of its importance.

According to Ms. Zehren, an African-American student approached her and asked if they could play the "Hide the Switch" game that they had found on the Ten Toys and Games website? She said "absolutely not" to this request. She described the student as being jovial when talking to her. When Ms. Zehren was asked if she had looked at the Top Toys and Games website prior to the students accessing it, Ms. Zehren reported that she had not. *That is an untrue statement and contradicts a statement that I made earlier to Mr. Davis two paragraphs above. (Dr. Davis asked Ms. Zehren if she recommended the Atlanta Black Star website, which published the Ten Toys and Games article, to students? Ms. Zehren said she did recommend the website because the mission of the Atlanta Black Star was to publish empowering narratives for all people of African descent. And everyone who adheres to African culture.)*

Later investigation showed that Ms. Zehren did view the Ten Toys and Games website several times prior to the [REDACTED] PE classes on April 1, 2019. *I indicated that I look at the site in a previous paragraph.* Prior to accessing the website, Ms. Zehren used the following search terms on April 1, 2019: "traditional african american children's games" (at 9:28 am), "Best African Games for Children to Play" (9:28 am), "african american children's games" (at 9:29 am), and "games of enslaved children" (at 9:29 am). The Ten Toys and Games website was accessed at 9:29 am. Ms. Zehren viewed the website, and five different pages on the website, at 9:31 am, 9:32 am, 9:33 am, 9:33 am, and 9:34 am. Each page that was accessed had two games or toys on it. At 10:00 am, on April 2, 2019, Ms. Zehren again used the search terms "traditional african american children games" and then viewed two different pages on the Ten Toys and Games website (10am and 10:01 am). *We did not receive the history search of my computer for April 2nd, nor did we receive any documents indicating specific pages that I looked at when Attorney Cade and I met with the District's Attorney Korom and Director of Curriculum and Instruction, Tim Joynt on June 12, 2019.*

The family that Ms. Zehren believed brought the current discrimination complaint filled out the information sheet that was sent home prior to spring break. As a result of the answers provided, Ms. Zehren said she recommended that Student 1 and Student A work on the "2 step" as an example of a dance from their culture. *This is evidenced on the video from the gym that I called them over and showed them the video of the two step and then showed them how to do it. This is also shown on the history of my computer that Attorney Cade and I received at the June 12th meeting with Attorney Korom and Mr. T. Joynt. At 2:58 I looked at "African American Children's Dances", 2:58 "Learn African Dances with Your Kids", 2:59 "Teach Kids About Ethiopia - Let's Dance the Eskista", 2:59 "Learn African Dances with Your Kids", 3:00 "Teach Kids About Ghana - 'Dance the Kpanlogo'", 3:00 "Learn African Dances with Your Kids - All Around the World", 3:00 "Teach Kids About Kenya - 'Jump High with the Maasai'" 3:01 "Learn African Dances with Your Kids - All Around the World", 3:01 "Teach Kids About Nigeria - 'Let's Talk Like a Drum'", 3:01 "Learn African Dances with your Kids", 3:01 "Teach Kids About South Africa - 'Learn Gumboot Dancing'", 3:01 "Learn African Dances with Your Kids - All Around the World", 3:01 "African American Children's Dances", 3:04 "Evolution of Dance: the 80's to Now", 3:04 How to Do the 2-Step/Hip-Hop Dancing, 3:06 "Two Step African American Dance", 3:06 "Two-Step Dance Defines Heart, Soul of KC's Black Community", 3:07 "Where did the Hip Hop Two Step Originate From", 3:09 "Where did the Two Step Originate", 3:09 "African American Children's Dances", 3:10 "Two Step African American Dance", and 3:11 "Dancing with Flava Houston 2-Step Demo". So from 2:58 to 3:11, I was searching African American Dance and from 3:04 to 3:11, I was specifically looking at the Two-Step.*

Dr. Davis asked Ms. Zehren if she ever instructed students to research games played by children during slavery. Ms. Zehren denied saying this. *That is an untrue statement and contradicts a statement that I made earlier to*

*Mr. Davis three and five paragraphs above. (Dr. Davis asked Ms. Zehren if she recommended the Atlanta Black Star website, which published the Ten Toys and Games article, to students? Ms. Zehren said she did recommend the website because the mission of the Atlanta Black Star was to publish empowering narratives for all people of African descent. And everyone who adheres to African culture.) The Investigator found, as described above, that Student H did use the following search terms: "african american games played by enslaved children." Student computer searches were never provided to me or my attorney.*

*Dr. Anderson then asked Ms. Zehren whether she had a discussion with students about a game called "No Bogeyman Tonight." Ms. Zehren reported that she had. She stated that she did not think about the game in terms of it having been played by enslaved children. I did not make that statement. What I said was that "I looked at the game from a PE lens...it was a tag game...tag games have been played for generations and generations. Tag is a universal game. They always involve a tagger or chaser." I gave several examples like Witches, Goblins, and Monsters, Blob Tag, Monster Monster Game, Zombie Tag, No Boogey Man Tonight. "People run away from 'it' who are trying not to get tagged or caught." Rather, she looked at it as a game that was similar to "tag." She did report some hesitation about allowing the game to be chosen because she knew the game had been played by enslaved children. I shared in our meeting that "the game was not about slavery and that it did not trivialize slavery." She mentioned doing research on the term "bogeyman" but did not find anything that would disparage enslaved children. This sentence was added and not a part of the first investigative report and the statement is untrue. I specifically said that I looked up the definition of "bogeyman" in the dictionary. The definition did not have any connection with slavery. Nor did I find anything that would rule out using the game. She consulted with her co-worker, [REDACTED] [REDACTED], about using the game. Ms. Zehren went on to say that she was concerned about saying "no" to the students who wanted to do the game, especially if it was safe,*

because the game could be seen as representative of the culture and history for some students. [REDACTED] agreed. So, she felt that saying "no" could be seen as discriminatory, and she wanted to give students a voice in what they did for the unit and to be respectful of their choice and culture. Both [REDACTED] and I felt that way. After their discussion, Ms. Zehren reported that she and [REDACTED] thought it was okay for students to play the game.

Dr. Anderson told Ms. Zehren that the games children in slavery played were intended to help them deal with trauma. *This is an untrue statement. Mr. Anderson actually said these types of games caused trauma. This is his opinion.* He went on to ask whether she had ever considered this point? Ms. Zehren indicated that she did not consider this. In her opinion, she never intended the game to be disparaging. Her intent was to be positive and hopeful. *I said there was no ill intent ever. My intent was to be positive with positive impact.* She felt that if an African-American student asked her to play a safe game, she had to say yes. Otherwise, she could be perceived as prejudicial if she did not let them choose a game from their past or culture. She wanted to give them a voice. In defense of the "No Bogeyman Tonight" game, Ms. Zehren mentioned that jump rope was also listed on the website and played during slavery but it was considered an acceptable game today. She went on to ask whether jump rope would have been an acceptable choice for a game if it was played by children during the Holocaust? This is an incorrect statement. I explained that rope jumping was included in the article as an activity to do. Rope jumping was played by the girls and now it is a universal activity. I asked, should I have said "no" to that activity as well? There was no response. I also talked about the fact that the article included information about "corn husk dolls" and that when we went to the Holiday Folk Fair there was a booth that students could make corn husk dolls. I asked, should I have said "no" to allowing students to participate in that activity? Again, there was no response.

Dr Anderson reiterated that all of the games on the website described above were descriptive of games played during slavery and, why would she choose such a game to honor a student's heritage or culture. Ms. Zehren replied that she did not intend to disparage anyone. *I looked very carefully at the game. The game*

*was not about slavery, nor did it trivialize slavery. It was a game of tag that children played just like children around the world played. (Please note: Nowhere in our RaceWorks Professional Development were we told that doing anything or saying anything in regard to slaves or slavery was off limits or taboo.)*

Dr. Davis asked Ms. Zehren if several classes had used the Atlanta Black Star website described above as a reference? Ms. Zehren stated that she did not address the entire class, but did speak to several students who were struggling to find a game or dance. She sat down with them and, according to her, had them search 'Traditional African American children games" to find resources.

Dr. Davis then stated that the first game that came up on the Ten Toys and Games website was the "Hide the Switch" game. Dr. Davis then asked Ms. Zehren if she had given students the go ahead to play the game? Ms. Zehren stated "absolutely not." Ms. Zehren reported that she knew what a switch was *and she knew what it was used for* and wouldn't recommend its use for students. *Dr. Davis asked me then, "Are you absolutely sure?" I responded, "I'm absolutely sure."* When questioned by Dr. Davis, she also denied telling students that it would be okay to play the game but there was no place to hide the switch. She went on to say that she also denied the game "Hide and Seek" because there was not a good place to hide in the gym. *I did not say to any students "that it would be okay to play the game." Nor did I say, "there was no place to hide the switch."* I brought up the "Hide and Seek" game thinking that the "Hide the Switch" game was confused with "Hide and Seek."

Dr. Davis mentioned that there was consistency from several students about Ms. Zehren's role or involvement with researching games played during slavery and that he was concerned that she had directed students to the Ten Toys and Games website. Ms. Hamiel asked Ms. Zehren if she ever directed students to a different website other than the one described above? Ms. Zehren responded, "yes" to this question and said this resulted in the students using the "2 step" dance. In response to a question from Dr. Anderson, *What was the question?* Ms. Zehren was unaware that Student A had to leave class early because of being upset after seeing the description of the "Hide

the Switch" game. [REDACTED]

[REDACTED]

Ms. Zehren also denied ever telling students to search "slave games." Ms. Hamiel wanted to know if Ms. Zehren was concerned about the possibility of students coming up with games from the days of slavery or from the Holocaust? Ms. Zehren responded that she had not and then said the students were excited about *and engaged during the unit. Actually, I asked the question, "What if a Jewish student came to me and asked me if they could play "No Bogeyman Tonight" because his grandfather was in encampment during the Holocaust. Would that game be okay to play? There was no response. After a brief pause, Ms. Hamiel asked if I was concerned about the possibility of students coming up with games from times of slavery or the Holocaust? I said, "I had not thought about that and nor was it a concern of the Administration as I heard nothing from them regarding the unit."* I also went on to say, *"There are many cultures that have been oppressed. How do I know what game or dance to say yes or no to? I wanted to honor their heritage, roots, culture, and ancestry."*

Ms. Zehren acknowledged that there was concern regarding a question on the informational *Family Interview* sheet that was sent home to parents prior to spring break. She stated that she and [REDACTED] went to Mr. Joynt for guidance. *She asked Mr. Joynt if he wanted to be a part of the conversation and he did not.* Ms. Zehren said she has been teaching for 37 years and puts a lot of thought and effort into her lessons. *I do what we are directed to do by the Administration. I take it to heart.*

Dr. Davis stated that he had concern because multiple students had reported that Ms. Zehren told them they could look up games played during slavery. Ms. Zehren reiterated that she steered the students away from "Hide the Switch" game and, instead, recommended the "2 step" dance or the "No Bogeyman Tonight" game. She also reported working with the student whose mother she thought had brought the complaint and helped her and the other student in the group with their presentation. *I gave them suggestions for their dance which is evidenced on the videotape in the gym. I, also, wrote them a pass that they could come during Guided Study, the next day, to practice their dance which they did. Student 1 asked if s/he could use his/her phone to videotape Student A doing the dance and I said, "Yes."*

Summary of the Interview Conducted with [REDACTED]  
[REDACTED] teacher, at SIS

[REDACTED] was interviewed on April 8, 2019 by Dr. Anderson and [REDACTED]. Around the end of the first quarter, both Ms. Zehren and [REDACTED] met with her to review the information *Family Interview* sheet that they wanted to give to parents as part of the World Games/Dance Unit. [REDACTED] reported that both Ms. Zehren and [REDACTED] talked about what they had in mind and they then talked about the issue of children who were adopted and the difference between race and culture. [REDACTED] did not recall any discussion about African-American or other students researching games played by enslaved children. After their discussion, two to three words were changed on the information sheet. [REDACTED] *was directed not to talk to anyone about this matter.*

Summary of the Interview Conducted  
With [REDACTED] Teacher, at SIS

[REDACTED] was interviewed on April 8, 2019 by Dr. Anderson and [REDACTED]. [REDACTED] stated that the idea for the World Games/Dance Unit actually started toward the end of the 2017-18 school year. Both [REDACTED] and Ms. Zehren worked on the questions for the *Family Interview* information sheet that was to be given to parents. [REDACTED] did report reviewing the questions with Mr. Joynt and [REDACTED] and that [REDACTED] had recommended changing a few words. Both Mr. Joynt and [REDACTED] emphasized that they didn't want

any student to be treated differently and that Mr. Joynt had raised concerns about children who were adopted. [REDACTED] also reported that it was okay if students didn't know their cultural background and that teachers would assist them with this. A packet was given to students to fill-in after they had completed their research. [REDACTED] said that Ms. Zehren was more inclined to group students by countries: [REDACTED] allowed students to choose their own group. *I did not group students by countries. I allowed students to choose their own groups as is evidence in the videos supplied to the district.* [REDACTED] reported there was no mention of skin color as a way to group students. [REDACTED] also stated that no discussion had occurred between [REDACTED] and Ms. Zehren about problems that could occur as a result of the unit. *Nor did we receive any cautions or concerns about the unit from Mr. Joynt and Mr. Davis.* [REDACTED] did say that Ms. Zehren did talk to [REDACTED] about the "No Bogeyman Tonight" game, but she emphasized that the game was similar to tag and, as a result, [REDACTED] didn't see a problem with using the game. *We talked about honoring their culture and ancestry.* [REDACTED] was also directed not to talk to anyone about this matter.

Summary of the Interview Conducted  
With Mike Joynt, Principal, at SIS

Mr. Joynt was interviewed on April 10, 2019 by Dr. Anderson. He reported that Ms. Zehren had approached him earlier in the year about the World Games/Dance Unit. Ms. Zehren described it as being similar to the World Cultures Project done in the 7th grade World Geography class where students selected a region/country and researched its culture. He also remembers giving Ms. Zehren and [REDACTED] approval to go with students to the Holiday Folk Fair at State Fair Park so they would have a chance to experience other cultures. In January of 2019, Ms. Zehren and [REDACTED] met with Mr. Joynt about the *Family Interview* information sheet that they wanted to provide to parents. Mr. Joynt recalled talking to them about the concern of asking African-American students about their backgrounds given uncertainty as to countries where their ancestors might have originated from. *We shared with him that the sheet also included regions and continent to make it easier for all to fill out. He also told them not to make the form a requirement for the unit because not every student could provide background information. This is not a true statement as both [REDACTED]*

and I graded the Family Interview sheet as a homework assignment. This is evidenced in the 4th quarter grade markings in Infinite Campus for both [REDACTED] and me. They asked Mr. Joynt about the wording of a question of the form, and he referred them to [REDACTED] for advice with this.

**Summary of the Interview Conducted**  
**with the Parent of a SIS Student**

Dr. Anderson conducted an interview with the parent of a SIS student who wished to remain anonymous on April 11, 2019. According to the parent, [REDACTED] raised concern about the information sheet upon receiving it in February as part of the preparation for the unit for 8th grade students. According to the parent, [REDACTED] raised concerns with both Ms. Zehren and [REDACTED] about the fact that, for most African-Americans, ancestry is not easy to understand. In an email that was written to both teachers, the parent pointed out the following: conversation about or assignment asking them to explore their ancestors largely or entirely means they must imagine their descent from slavery. Ancestry was the word added by [REDACTED] and approved by Mr. Joynt. This parent raised their concern [REDACTED]. It evokes images of kidnap, torture, terror, rape and murder. If you are the descendant of slaves, there is no way for you to know the regions or countries you came from and certainly not any of the cultures games or dances. Roots have been forever destroyed. And, keep in mind that Africa is a huge and diverse continent and those who hail from there cannot be lumped together, just as one would not assume all Europeans or Asians are the same. To ask a child of color, especially in a predominantly white school district, to provide an example of what their African and then slave ancestors may have enjoyed recreationally is problematic. I hope you can understand.

The parent went on to explain that [REDACTED] had a phone conversation with both Ms. Zehren and [REDACTED] about [REDACTED] concerns in February. Mr. Joynt was invited to be a part of the conference type call, but he declined. Ms. Zehren explained to the parent that the district wanted teachers to be more culturally responsive. The parent went on to explain why [REDACTED] found the assignment problematic. During the conversation, Ms. Zehren stated that the assignment had already gone out to parents of 8th grade students and, as a result, she didn't think anything could be done to address the concerns of the parent or change the assignment. This is

*inaccurate as I did change my assignment based on our conversation.* At the end of the conversation, the parent reported feeling disheartened because Ms. Zehren stated to [REDACTED] that simply having [REDACTED] child come home and talk to [REDACTED], as requested on the information sheet, should be viewed as a success. The parent responded to Ms. Zehren that such a conversation could be seen as traumatic as well. Ms. Zehren did report that she had gotten input about the information sheet from the teacher who was involved with the [REDACTED]. This staff member was [REDACTED]. The parent thought this was not a helpful comment by Ms. Zehren because, in [REDACTED] opinion, simply relying on the judgment of white people for such matters didn't take into consideration the perspectives of others who have more experience with or understanding of these matters. *This parent's observation reflect my concern as to those who led our District RaceWorks Professional Development for the last three years.* The parent concluded the interview by expressing disbelief that more thought had not gone into the unit when presented to [REDACTED] students and parents. *I did change my Family Interview worksheet based on the conversation. Mr. Joynt was given the entire unit and at no point did he share any thoughts or concerns. There was no Administrative oversight.* [REDACTED] did speak during the conversation and some of what is said here should be attributed to him. I did not do all of the talking. There was no follow-up conversation with [REDACTED] about this conversation and its accuracy.

According to Ms. Zehren, the parent had a problem with the use of the word "ancestor," a word that was added after she and [REDACTED] spoke with [REDACTED]

Summary of the Interview Conducted  
With [REDACTED], Paraprofessional at SIS

Dr. Anderson and [REDACTED] interviewed [REDACTED] on April 15, 2019. *This interview took place after I was placed on my second paid Administrative leave on April 12th.* [REDACTED] stated that [REDACTED] was assigned to work with a student during the [REDACTED] hour PE class. [REDACTED] was present in the class during the week of April 1. [REDACTED] reported the students were working on the World Games/Dance Unit the entire week and were very engaged. [REDACTED] explained that

the students had taken an information sheet home prior to break so they could ask their parents or other relatives questions about their cultural background and relevant games or dances. [REDACTED] stated that the students were grouped based on similar backgrounds, although [REDACTED] reported that Ms. Zehren was somewhat flexible as to the group that students ended up in. Most of the students did their research on the computer that was provided to them. While doing research, students would check-in with Ms. Zehren. Ms. Zehren would also walk around the room to see how the students were doing. When asked by Dr. Anderson whether Ms. Zehren had presented any examples of cultures that students could research for the unit, in front of the class, [REDACTED] [REDACTED] stated that [REDACTED] did not. [REDACTED] stated that Student H and Student I were well prepared for their presentation. Student H did most of the talking. At one point, [REDACTED] did remember the students using the word enslaved (*They defined the word as part of their vocabulary.*) and also spoke about the need to be respectful of the game. [REDACTED] was not sure which country the game originated from. [REDACTED] described the game as being similar to tag. When asked by Dr. Anderson whether Ms. Zehren had spoken to the class about the game prior to Student H and Student I presenting it, [REDACTED] stated that [REDACTED] had not. [REDACTED] *asked Mr. Anderson what should she do with this information and he replied, "Keep it close to your heart."*

#### Summary and Recommendations

An investigation was conducted upon submission of a discrimination complaint by the parent of a [REDACTED] grade student at SIS, Student I. The details of the complaint are described above. To investigate the complaint, interviews were conducted with students in Ms. Zehren's [REDACTED] and [REDACTED] hour PE classes, *Not all students were interviewed in the two classes. We were told at the April 12th meeting that students were interviewed based on their lack of social connection. "They did not hang together," according to Mr. Anderson.* Ms. Zehren, [REDACTED], Mr. Joynt, [REDACTED], and the parents of two students at SIS, Student 1 and Student H, who participated in the unit. The substance of the information provided in these interviews is also described above.

Prior to reaching any final conclusions on this matter, the Investigator learned Ms. Zehren would not be returning for the 2019-2020 school year. *Because there was a settlement with the District and I decided to retire.* This

information makes any recommendations concerning her role in this matter for the future moot.

Nevertheless, the perceptions described by the students, parents, and staff during this investigation suggest the District should modify its approach to these issues to help avoid a similar situation in the future. As a result, the following recommendations are offered:

1. Suspend the use of the World Games/Dances Unit in the PE curriculum at SIS for the 2019-2020 school year.
2. Involve the Director of Equity in making future decisions about this course, and other courses designed to explore cultural issues to help avoid unintended conflicts.
3. Offer to have the Superintendent meet with the parents or students involved in this case to gather any final comments or suggestions they may have to assist the District in moving forward.

#### Conclusion

Based on the above, this Investigation is now closed.

*Document was dated August 1, 2019. Closed the investigation  
AFTER the settlement was reached and signed on July 23,  
2019. I received the document on August 2nd.*

District Discrimination Officer, Arthur Anderson

*Additional Student Interviews:*

*Student #1*

1. [REDACTED]

2. What is your [REDACTED]  
3. name and hour that you had Physical Education? [REDACTED]  
4. [REDACTED]  
5. [REDACTED]  
6. [REDACTED]

2. Did Ms. Zehren ever instruct the class to research games played by children during slavery, games enslaved children played, or games slave children played?  
[REDACTED] [REDACTED] [REDACTED]

3. Did Ms. Zehren instruct students to pick their partner/group based on their cultural background, similar skin color as their partner, or to be with their own culture?  
[REDACTED]

4. Did Ms. Zehren force any student or group of students to teach a slave game?  
[REDACTED]

5. Did Ms. Zehren talk about "slave games" to the class?  
[REDACTED]

6. Did students talk to each other and speculate why Ms. Zehren was not at school? [REDACTED]  
At anytime, did students text, share on snapchat or Instagram about Ms. Zehren and/or how to get the story straight about what happened in PE class? Were you ever pressured to go along with story? Please be specific.  
[REDACTED]

7. What role, if any, did you play in embellishing the story about Ms. Zehren? If no role, are you aware of others embellishing the story? How?  
[REDACTED]

8. Did any adult (Mr. Joynt, [REDACTED]) ever talk to your class? If so, what did they say/do? Do you recall when that conversation took place? Was this conversation helpful in moving forward?  
[REDACTED]

9. [REDACTED]

10. Did any adult (Mr. Joynt, [REDACTED]) ever speak to you privately about what took place in PE class? If so, when? Do you recall any of the conversation? What things were you asked? What did you answer?  
[REDACTED]

11. Any additional comments/thoughts?  
[REDACTED]

Student Signature  
Parent Signature:

**Student #2**

<b>Additional Students Interviewed</b>	
1. What is your name and hour that you had Physical Education?	[REDACTED] [REDACTED]
2. Did Ms. Zehren ever instruct the class to research games played by children during slavery, games enslaved children played, or games slave children played?	No.
3. Did Ms. Zehren instruct students to pick their partner/group based on their cultural background, similar skin color as their partner, or to be with their own culture?	No. She just told me to pick a group. I joined a group of my friends.
4. Did Ms. Zehren force any student or group of student or group of students to teach a slave game?	No.
5. Did Ms. Zehren talk about "slave games" to the class.	No. She did not.
6. Did students talk to teach other and speculate why Ms. Zehren was not at school? At anytime, did students text, share on snap chat or Instagram about Ms. Zehren and/or how to get the story straight about what happened in PE class? Were you ever pressured to go along with the story? Please be specific.	Yes, they did. Kids were circulating a photo with Ms. Zehren being walked out of school by Mr. Joynt. Someone posted something on Snap Chat about why Ms. Zehren getting fired. I didn't hear anything about getting the story straight. I did not receive any pressure to go along with the story.
7. What role, if any did you play in embellishing the story about Ms. Zehren?	I did not play any role in the story.
8. Did any adult (Mr. Joynt, [REDACTED] ever talk to your class? If so, what did they say/ask? Do you recall when the conversation took place? Was this conversation helpful in moving forward?	Mr. Joynt came and talked to our PE class. He asked if any of us had any questions about what Ms. Zehren said. I asked him if they looked at the footage from the camera and he said they have already investigated this and know for sure that she said something about slave games. I think he came into our class a week or so after it happened. I don't really think it was too helpful because people were still talking about it afterwards.

**Student #2 continued**

9. Did any adult (Mr. Joint, [REDACTED]) ever speak to you privately about what took place in PE class? If so, when? Do you recall any of the conversation? What things were you asked? What did you answer?

No one ever spoke to me.

10. Did you share with any adult in school your concerns about what was being said about Ms. Zehren? If so, who, and what did you share?

No, I did not.

11. Any additional comments/thoughts?

From my experience with Ms. Zehren in PE, I didn't think this could be true, especially after teaching all of those years. I think people thought she was racist because they misbehaved and then they got detention. They wanted to get her fired so they got a whole bunch of people and made up a rumor. At one point I said to some kids, "So, if a bunch of people get together and say the same thing it becomes the truth." They said, "yeah". She never said anything or did anything like that in my class and it didn't seem like she ever would.

Student Signature: [REDACTED]

Parent Signature: [REDACTED]

**Student #3**

**Student Statement**

1. Q: What is your name and hour that you had Physical Education?

A: My name is [REDACTED] and I had [REDACTED]

2. Q: Did Ms. Zehren ever instruct the class to research games played by children during slavery, games enslaved children played, or games slave children played?

A: No.

3. Q: Did Ms. Zehren instruct students to pick partner/group based on their cultural background, similar skin color as their partner, or to be with their own culture?

A: No. I chose my own partner.

4. Q: Did Ms. Zehren force any student or group of students to teach a slave game?

A: No.

5. Q: Did Ms. Zehren talk about "slave games" to the class?

A: No.

6. Q: Did students talk to each other and speculate why Ms. Zehren was not at school? At anytime, did students text, share on SnapChat or Instagram about Ms. Zehren and/or how to get the story straight about what happened in PE class? Were you ever pressured to go along with story? Please be specific?

A: There were rumors going around about why she wasn't there. I did not have SnapChat, but on Instagram some students would post the news articles on their stories. I didn't feel pressure because I was not involved, but other people got pressured to agree with their friends. Kids talked about it at lunchtime. This was the biggest thing that happened at our school so kids felt like they wanted to be a part of the story.

7. Q: What role, if any, did you play in embellishing the story about Ms. Zehren?

A: I did not play a role.

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***Student #3 continued***

8. Q: Did any adult (Mr. Joyni, [REDACTED]) ever talk to your class? If so, what did they say/ask? Do you recall when that conversation took place? Was this conversation helpful in moving forward?

A: Mr. Joyni spoke to my PE class several days after the news articles. He said there were claims that she made racial remarks and that he was there to clear up any confusion. His responses to the questions only stirred up more rumors and confusion. By talking to the class, more kids became aware of the claims.

9. Q: Did any adult (Mr. Joyni, [REDACTED]) ever speak to you privately about what took place in PE class? If so, when? Do you recall any of the conversation? What things were you asked? What did you answer?

A: No one spoke to me.

10. Q: Did you share with any adult in school your concerns about what was being said about Ms. Zehren? If so, who, and what did you share?

A: No.

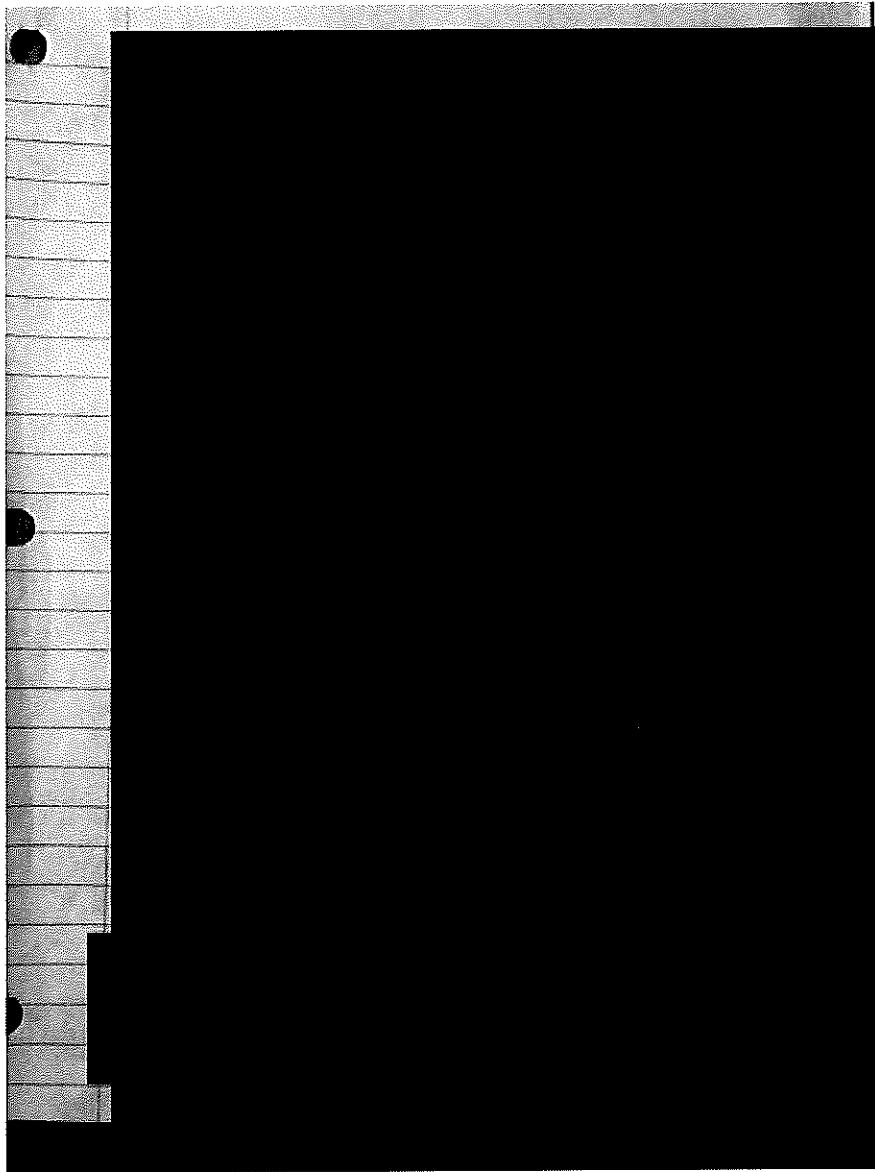
11. Q: Any additional comments/thoughts?

A: I did not know this incident happened in my PE hour. I thought they were talking about a different period PE class. The student who made the claim seemed happy to present [REDACTED] game and opted to go first. The game was very similar to something we had played in elementary school PE, and it was a version of tag. The people who I was aware that were interviewed seemed to be friends or talked to each other at school.

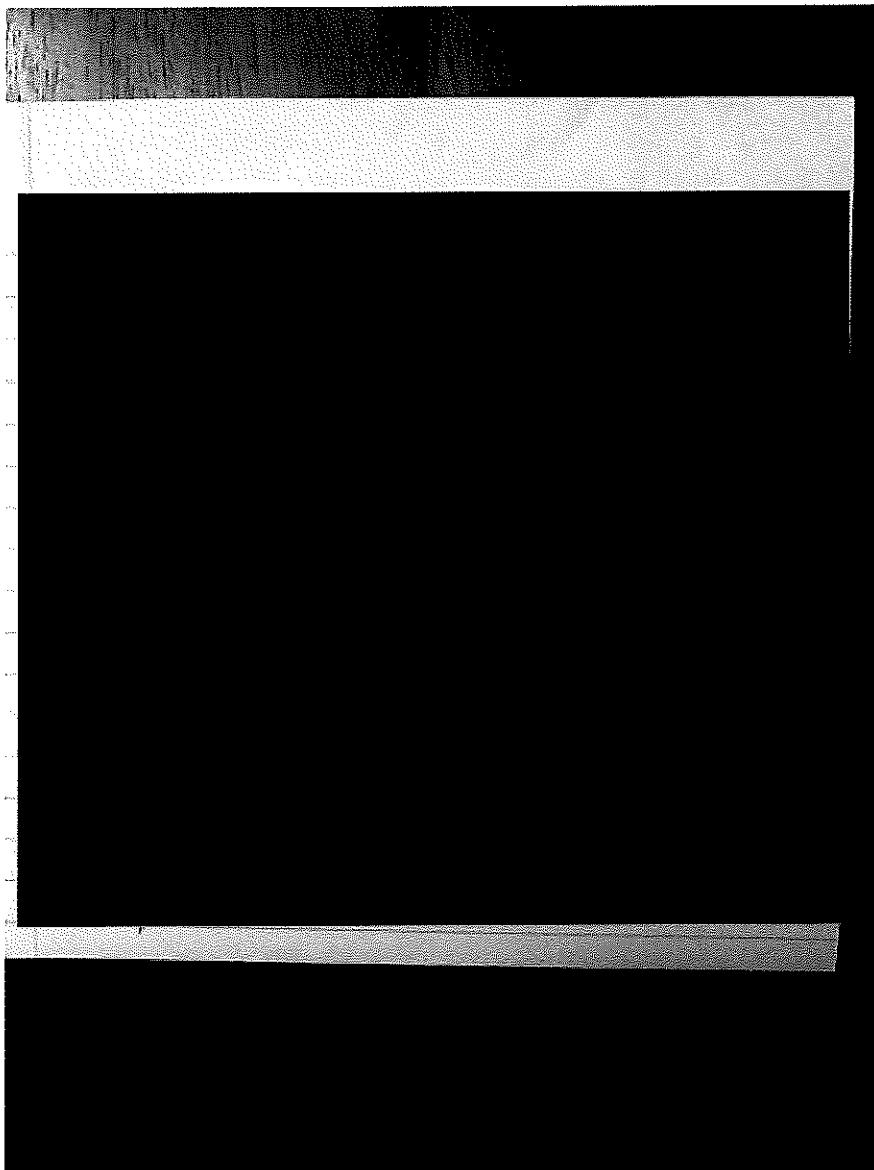
Student Signature:

Parent Signature:

*Student #4*



*Student #4 continued*



**Student #5**

**Additional Students Interviewed**

1. *What is your name and hour that you had Physical Education?*

[REDACTED]

2. *Did Ms. Zehren ever instruct the class to research games played by children during slavery, games enslaved children played, or games slave children played?*

*No, she never gave any of these specific instructions. The instruction given was to research the game that had the cultural significance based on the students' heritage.*

3. *Did Ms. Zehren instruct students to pick their partner/group based on their cultural background, similar skin color as their partner, or to be with their own culture?*

*No, we were instructed to pick a friend or two by our own choice, to be part of the group. Also, students were allowed to research on their own. I was in a group with two of my close friends, one of which was [REDACTED]*

4. *Did Ms. Zehren force any student or group of students to teach a slave game?*

*As far as I know, she never forced anyone to research slave games. I didn't hear any such instruction ever.*

5. *Did Ms. Zehren talk about "slave games" to the class?*

*Ms. Zehren didn't talk about "slave games" or about any specific game of any origin before the students started with presentations. We were just instructed to present any game of our choice. We had the freedom to choose the game that we thought is related to our cultural or historic heritage. The group of two students ([REDACTED]) presented the version of tag game. During the presentation, when the [REDACTED] student announced that it was the game played by children during the slavery, Ms. Zehren addressed the class, saying that she expected maturity from students, that it was the serious matter that shouldn't be taken lightly and that children played that game to pass the time.*

6. *Did students talk to each other and speculate why Ms. Zehren was not at school?*

*At anytime, did students text, share on snap chat or Instagram about Ms. Zehren and/or how to get the story straight about what happened in PE class? Were you ever pressured to go along with story? Please be specific.*

*Yes, students talked a lot, saying that she was fired. On social media, they created memes about her and shared a lot of gossip, like that she was escorted out of the building by Mr. Joynt. Personally, I am not on social media, but my friends showed me some posts. There were talks that [REDACTED] who were on TV "finally managed to kick Ms. Zehren out of the school". No one dared to stand against rumors because they would be singled out and targeted. I tried to stay as much out of the whole situation as I could in fear of repercussions.*

7. *What role, if any, did you play in embellishing the story about Ms. Zehren?*

*As I have said previously, I was the witness when the game was presented, I was told a lot of opinions from other students, but I tried to stay out of the whole story as much as I could. Also, I was advised by my parents and teachers not to talk about this problem.*

8. Did any adult (Mr. Joynt, [REDACTED]) ever talk to your class? If so, what did they say/ask? Do you recall when that conversation took place? Was this conversation helpful in moving forward?

Mr. Joynt talked to our PE class in a form of open questions, a few days after Ms Zehren was suspended. We were asking questions and he tried to answer as much as he could.

9. Did any adult (Mr. Joynt, [REDACTED]) ever speak to you privately about what took place in PE class? If so, when? Do you recall any of the conversation? What things were you asked? What did you answer?

[REDACTED] spoke to me on Friday, April 5, during [REDACTED]. They asked me to tell them what had happened the day before during the PE class, and I told them that two students presented the game, told us that it was the game played by slave children and that we should be very serious about it. Ms. Zehren confirmed their statement. I added that after the presentation we played the game for four rounds. I asked if I was in trouble because I thought that maybe I played too rough when touching other students (the game resembles tag), but [REDACTED] told me that it was OK, that I was in no trouble and that they just wanted to know if any student was forced to do slave games. I answered them that no one was forced to present any game, that all students were free to make their own choice, and that I didn't hear from other students any such complaint.

10. Did you share with any other adult in school your concerns about what was being said about Ms. Zehren? If so, who, and what did you share?

No, I did not.

11. Any additional comments/thoughts?

I was advised by [REDACTED] not to talk to anyone about the interview. I talked about it only with my parents.

Student Signature: [REDACTED]

Parent Signature: [REDACTED]